

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID SMELSER,

Plaintiff,

vs.

CASE NO. 06-11931

HON. LAWRENCE P. ZATKOFF

COMMISSIONER OF
SOCIAL SECURITY

Defendant.

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed the instant action seeking Social Security disability insurance benefits. This matter is currently before the Court on Magistrate Judge Morgan's Report and Recommendation of May 31, 2007, in which the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment be denied and Defendant's Motion for Summary Judgment be granted. Plaintiff has filed an objection to the Magistrate's Report and Defendant has responded to this objection.

After a thorough review of the court file, the respective parties' motions, the Report and Recommendation, and Plaintiff's objection, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court. Therefore,

IT IS ORDERED that Defendant's Motion for Summary Judgment is GRANTED and Plaintiff's Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that Plaintiff's claim is HEREBY DISMISSED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 5, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 5, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290